

RESPONSE AND REMARKS

Claim Rejections Under 35 U.S.C. §103(a)

The Office Action rejected Claims 1, 3, 4 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Nicholls et al. (U.S. Patent No. 5,631,827; "Nicholls") in view of in view of Byford (U.S. Patent No. 6,220,509 "Byford").

Claim 2 was rejected in the Office Action as being unpatentable over Nicholls and Byford as stated for Claim 1, and further in view of Kara et al. (U.S. Patent No. 6,233,568; "Kara"), and Thiel (U.S. Patent No. 5,699,258; "Thiel").

The Office Action rejected Claims 7, 9, and 31 under 35 U.S.C. § 103(a) as being unpatentable over Nicholls in view of Kara, and rejected Claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Nicholls and Kara as applied to Claim 9, and further in view of Byford.

Response Remarks Regarding the Claim Rejections under Section 103(a)

The rejections under Section 103(a) have been carefully considered. The Claims of the present application have been amended to more distinctly recite the claimed invention.

It is respectfully asserted, for the reasons given, and the authorities cited below, that none of the references of record, even when considered in combination, disclose, anticipate, teach or suggest all of the limitations of the Claims of the present application, as amended.

Claims 1, 2, 3, 4 and 6

In rejecting independent Claims 1 and 6, the Office Action stated that "Nicholls discloses the use of multiple servers performing specific functions (See Figure 2) but fails to disclose the use of a server used for tracking." Office Action, Topic No. 5, p. 3. In order to compensate for the failure of Nicholls stated by the Office Action of using a server for tracking, the Office Action stated that "Byford discloses the use of a parcel trace system, with a tracking server, which

communicates with carrier servers to store tracking information and display [sic] to the user (See abstract, Column 2, lines 35-62).” Office Action, Topic No. 5, p. 3. The Office Action then concluded that “[i]t would have been obvious ... to modify Nichols with the tracking server and carrier server, as disclosed in Byford, in order to provide a tracking service to a user....” Office Action, Topic No. 5, p. 3 (citing Byford, Columns 1 and 2).

It is true that Byford discloses a “single-point tracking” system through which a user can track “a plurality of parcels being handled by a number of different delivery service companies.” Byford, col. 1, lines 42-45.

It is also true that, similar to Byford, various embodiments of, for example, Claim 1 of the present application, would provide a shipping user with the ability to track the shipping of multiple parcels being handled by a number of different carriers.

However, it is respectfully submitted that amended independent Claims 1 and 6 of the present application do not merely recite a tracking system for tracking packages. Nor do amended independent Claims merely recite a server computer programmed for providing tracking information. Rather, even if a shipping user’s perception of various embodiments of Claims 1 and 6 of the present application, might possibly be somewhat similar to a shipping user’s perception of a Byford parcel trace system, it is respectfully asserted, for the reasons described further below, that there are patentable differences between the combination of limitations recited by, for example, by amended independent Claims 1 and 6 of the present application, on the one hand, and Byford on the other hand.

It is respectfully submitted that Byford discloses carrier systems that have themselves been programmed to *send* (“relay”) tracking information to a Byford client’s parcel trace webpage. Specifically, Byford describes “[r]elay software 30 on the delivery service’s server 60’ or connected to this server[,] continually monitors, or is triggered by changes in the database table 20’. When a parcel object is updated with new location information, the software 30 establishes a link to the Internet and accesses the client’s parcel tracking home page using the

scanned URL." *Byford*, col. 2, lines 54-59. "... [T]he delivery service company effectively 'echoes' its tracking of the parcel directly onto the client's webpage." *Byford*, col. 3, lines 39-41.

As compared to carrier system server computers needing to be programmed to send information to a *Byford* client webpage, various exemplary shipping system embodiments of the elements recited by amended Claims 1 and 6 of the present application would respond to a user's request for tracking information for a parcel by *accessing* the relevant carrier system and *obtaining* shipment status information from that relevant carrier system. For example, amended Claim 1 recites:

wherein the third server computer device is programmed to:

receive a respective request from a respective user of the plurality of users for a shipment status of a respective parcel, wherein the respective request comprises an identifier of the respective parcel.

determine a carrier associated with the identifier, access a respective carrier system associated with the carrier, and

obtain from the respective carrier system, shipment status information for the respective parcel according to the identifier.

Amended Claim 6 recites:

... wherein the second server computer is further programmed to respond to the respective input of the respective tracking number by determining a carrier associated with the respective tracking number, wherein the second server computer is further programmed to further respond to the respective input of the respective tracking number by accessing a respective carrier computer system of a plurality of carrier computer systems over the communications network, wherein the respective carrier computer system is associated with the tracking number, and by obtaining carrier tracking information corresponding to the tracking number from the respective carrier computer system, ...

As compared to the carrier systems of *Byford* having to be programmed to detect a tracking status change for a parcel and then send tracking information about the changes to a *Byford* client webpage, it is respectfully asserted that amended independent Claims 1 and 6 recite that the claimed system itself is

programmed to access the carrier systems and obtain tracking information. It is respectfully asserted that, as compared to *Byford*, for various embodiments of independent Claims 1 and 6, the carrier systems would not need to be specially programmed to send tracking information to a client webpage.

In support of the above-recited limitations of amended Claims 1 and 6, the Specification discloses that:

As depicted in FIG. 5, using the Carrier's Internet URL, the System 1 (labeled "iShip.com" in FIG. 5) then makes an HTTP (HyperText Transfer Protocol) connection over the Internet 15 to the Carrier's web server, e.g., 23-2, 24-2, 25-2, 26-2, or 27-2, using the URL information for the particular Carrier's web server.

Specification, p. 16, line 28 – p. 17, line 2. The Specification of the present application describes in some detail, for an exemplary embodiment, an exemplary way that carrier systems would be accessed and tracking information obtained:

... using the Carrier's Internet URL, the System then makes an HTTP connection to the Carrier's web server, e.g., 23-2, 24-2, 25-2, 26-2, or 27-2, using the URL information for the particular Carrier's web server. Depending upon the Carrier, the System's 1 request and report interface with the Carrier's web server is programmed in HyperText Markup Language ("HTML") (e.g., 24-1, 25-1, 27-1), Extensible Markup Language ("XML") (e.g., 26-1), or both HTML and XML (e.g., 23-1). FIG. 66 depicts an exemplary XML formatted request for submitting a tracking request to a Carrier. FIG. 67 depicts an exemplary successful tracking response, also in XML format, returned by the Carrier.

Then, as depicted in FIG. 69, the System transmits the Carrier's tracking number over the HTTP connection (2052 or 2054). The System instructs the Carrier's web server as to what information is requested based on the connection made using the URL.

If the Carrier's web server successfully responds 2055 to the System's 1 tracking request, the System disconnects from the Carrier's web server and parses the response data. Some Carriers' response data contains unnecessary text information. The System strips out all of the unnecessary text in order to parse the relevant information.

Specification, p. 85, line 23 – p. 86, line 11.

Further, the Specification describes, for an exemplary embodiment, exemplary functional alignment of servers as claimed by the pending Claims of the present application, disclosing that:

... one Server, e.g., 21s provides the computer resources to act as the Tracking Server to obtain Carrier tracking information 1019 from the respective carrier's to provide to Shippers over the Internet 15 ...

Specification, p. 18, lines 7-9.

It is respectfully asserted, for the reasons given below, that the way by which a Byford parcel trace system would provide a “single-point tracking” system is very different from the way in which various embodiments of amended independent Claims 1 and 6 would obtain tracking information from carrier systems and then provide that tracking information to a shipping user so that the shipping user could track the shipping of multiple parcels. In particular, it is respectfully asserted that Byford discloses a method that would require the cooperation and special programming of each carrier system to relay information about the tracking status of parcels to the Byford parcel tracing system. As compared to carrier systems sending information to the Byford parcel tracing system, various embodiments of the amended Claims respond to a user’s request to track a parcel by accessing the relevant carrier system and obtaining from that relevant carrier system, tracking information for the parcel.

It is respectfully submitted that, “... when evaluating the scope of a claim, every limitation in the claim must be considered. USPTO personnel may not dissect a claimed invention into discrete elements and then evaluate the elements in isolation. Instead, the claim as a whole must be considered.” Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, (United States Patent and Trademark Office; Official Gazette Notices for November 22, 2005), § II.C (citing Diamond v. Diehr, 450 U.S. 175, 188-89, 209 USPQ 1, 9 (1981) (“It is inappropriate to dissect the claims into old and new elements and then to ignore the presence of the old elements in the analysis. This is particularly true in a process claim because a new combination of steps in

a process may be patentable even though all the constituents of the combination were well known and in common use before the combination was made.").

In view of the direction by the *Interim Guidelines* to consider every limitation of a claim and to consider a claim as a whole, it is respectfully asserted that, when all of the elements of amended Claims 1 and 6 are considered together, there is no teaching or suggestion found in any of the references of record of the combination of limitations as recited in amended independent Claims 1 and 6 of the present application to respond to a user's request to track a parcel by accessing the relevant carrier system and obtaining from that relevant carrier system, tracking information for the parcel.

Accordingly, it is respectfully asserted that amended independent Claims 1 and 6, and therefore the Claims that are dependent on them (namely, Claims 2-4), are in condition for allowance.

Claims 7, 9, 10 and 31

In rejecting independent claims 7, 9 and 31, the Office Action stated that "Nicholls ... fails to disclose simultaneously displaying the rates of the carriers to the user. Kara discloses a computer program ... [that] simultaneously displays that [sic] calculate shipping rates of multiple carriers for multiple services (See Figure 8, column 22, lines 20-38)." *Office Action*, Topic No. 13, p. 5.

Applicant(s) respectfully disagree with the assertion in the Office Action that "Kara discloses a computer program ... [that] simultaneously displays that [sic] calculate shipping rates of multiple carriers for multiple services." In particular, Applicant(s) respectfully disagree that *Kara* discloses simultaneously displaying shipping rates for multiple services for multiple carriers.

As compared to Kara, independent Claims 7, 9 and 31 all recite limitations for simultaneously displaying shipping rates that involve more than one service for more than one carrier. Amended independent Claim 7 is exemplary.

Amended independent Claim 7 recites:

at least a third server computer device of the plurality of functionally aligned server computer devices that is programmed to use the respective

data to calculate a first respective shipping rate for a first carrier to ship the respective parcel via a first delivery service, to calculate a second respective shipping rate for a second carrier to ship the respective parcel via a second delivery service, and to calculate a third respective shipping rate for the first carrier to ship the respective parcel via a third delivery service; and

at least one server computer device of the plurality of functionally aligned server computer devices that is programmed to *simultaneously* display the first respective shipping rate, the second respective shipping rate, and the third respective shipping rate to a display device in communication with a respective client computer device used by the respective user to input the respective request.

(Emphasis added).

As compared to simultaneously displaying shipping rates for multiple services for multiple carriers, *Kara* discloses a user pre-selection of a particular delivery service and a subsequent display of carrier-specific rates for the pre-selected delivery service adjacent to an identifier of the respective carrier. See, e.g., *Kara*, Figure 8A; *Kara*, col. 5, lines 56 – col. 6, line 6; *Kara*, col. 22, lines 21-48 (disclosing a “... program [that] automatically calculates the [shipping] fees for each shipping service provider offering service *commensurate with the desired shipping and/or delivery parameters ...*” *Kara*, col. 22, lines 39 – 42 (emphasis added)). Therefore, according to *Kara*, a user of *Kara* must first indicate the desired shipping and/or delivery parameters (e.g., Overnight, or Same Day, or Next Day, or 2-Day, or 3-Day) so that the *Kara* “program [will] automatically calculate[] the [shipping] fees for each shipping service provider offering service *commensurate with the desired shipping and/or delivery parameters.*” *Kara*, col. 22, lines 39 – 42 (emphasis added). That is, only once a user has indicated a desired type of service, will the *Kara* program calculate the shipping rate for each carrier that supports *the desired service* and then display the results.

Importantly, as compared to the above-cited limitations of Claim 7, as can be seen in FIG. 8 of *Kara*, *Kara* would display only one rate per carrier at a time. In order to obtain a comparison of rates using *Kara*, it is respectfully submitted that a user would need to successively indicate an “urgency”, e.g., “Overnight” on FIG. 8 of *Kara*, so that the *Kara* system would, according to the specification of

Kara (e.g., Kara, col. 22, lines 39 – 42), calculate the rates for the shipping service providers (depicted in FIG. 8 of Kara as "US Post", "Federal Express", "DHL", "UPS", "Purolator", and "Emery") via each successively indicated "urgency".

In view of the direction by the Interim Guidelines to consider every limitation of a claim and to consider a claim as a whole, it is respectfully asserted that the simultaneous display of calculated shipping rates for multiple delivery services offered by multiple carriers as claimed by amended independent Claims 7, 9 and 31 would be useful over the references of record. In particular, it is respectfully asserted that various embodiments of the limitations of, for example, amended independent Claims 7, 9 and 31, would provide a simultaneous cross-comparison display of calculated shipping rates for shipping a parcel according to shipment by various delivery services offered by various carriers – the user would not need to successively view shipping rates for various delivery services.

Accordingly, it is respectfully asserted that amended independent Claims 7, 9 and 31, and therefore the Claims that are dependent on them (namely, Claim 10), are in condition for allowance.

CONCLUSION

For the reason given, and the references cited above, it is respectfully asserted that the invention disclosed and claimed in the present application is not fairly taught by any of the references of record, taken either alone or in combination, and that the application is in condition for allowance. Accordingly, reconsideration and allowance of the application is respectfully requested.

Respectfully submitted,
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